



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 1643-00

25 August 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 6 January 2000 at the age of 20. Your record reflects that following an accession urinalysis testing, your urine sample tested positive for marijuana.

On 20 January 2000 you were notified of proposed actions for an administrative separation by reason of erroneous entry due to failure to disclose pre-service drug use as evidenced by a positive urinalysis testing. At this time you waived your rights to consult with legal counsel or to submit a statement in rebuttal to the separation.

On 21 January 2000 your commanding officer was directed to issue you an uncharacterized entry level separation by reason of erroneous entry level due to drug abuse, and on 26 January 2000 you were so separated and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and contention that you would like your reenlistment code changed so that you may reenlist in the Navy. The Board also considered your contentions that your use of marijuana was a one time experiment and you regret having made the decision to use marijuana. However, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code. Such a code is required when individuals are separated by reason of erroneous enlistment due to drug abuse and their failure to complete recruit training. Given all the circumstances of your case, the Board concluded the assigned reenlistment code was proper and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director